

REMARKS

Applicant respectfully traverses and requests reconsideration.

Applicant wishes to thank the Examiner for the notice that claims 10-15, 24-29 and 42 are allowed and that claims 6-8, 21-23, 35-37 would be allowable if written in independent form including intervening claims.

Remaining claims 1-4, 9, 16-19, 30-33 and 38-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Rivest. As to claims 1, 16 and 30, it is alleged in the “Response to Arguments” section that the question of “non-key based” insertion data is misleading because any insertion of data to an original message would change the original message by hiding the original message and in that sense it acts as a key regardless of the nature of the inserted data. (See office action, page 3). However, in order for a reference to anticipate a claim, all the claimed subject matter must be taught in the single reference. The Rivest reference describes a system that adds chaff, but the chaff is “fake packets with bogus MACs” (page 2 of 8). The MACs are not valid. The receiver automatically discards all packets with bad MACs. As such, a message authentication code that is bogus is used in Rivest.

Also, Applicant claims, among other things, filtering received incoming data containing actual data and the insertion data by comparing stored provided insertion data with incoming data to determine which data is actual data. The storing of the provided insertion data is not taught in the reference as alleged. The office action cites page 2, referring to a “stored order”. However, Applicant is unable to find the teaching of storing the provided insertion data. To the contrary, Rivest describes a different approach, namely “recomputing the MAC and comparing it to the received MAC”. With this operation, there is no need to store provided insertion data nor filter it based on the stored provided insertion data. Accordingly, the claim is in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

As to claim 41, Applicant respectfully reasserts the relevant remarks made above with respect to claim 1. As such, this claim is also in condition for allowance.


Claims 5, 20 and 34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rivest in view of Fadem et al. Applicant respectfully reassert the relevant remarks made above and as such, these claims are also in condition for allowance. In addition, the office action alleges that Fadem “teach the method, apparatus and storage mediums of claims 1, 16 and 30 including controlling timing of insertion data generation and output based on data queue parameters (see column 13, lines 19-46).” However, Applicant respectfully submits that Fadem does not teach the methods of claims 1, 16 and 30 as alleged and if the rejection is maintained, respectfully requests a showing as to where Fadem allegedly teaches such methods, apparatus and storage mediums. In addition, Fadem is not directed to the control of timing of insertion data generation as claimed and output based on data queue parameters as claimed. Fadem teaches only the use of actual data which is used by the system as previously noted in Applicant’s prior responses. For example, the link flow control bits in the Fadem reference are actual data and not insertion data, as actual data is data that is used by the system. Accordingly, the claims are in condition for allowance for these reasons as well.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

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Respectfully submitted,

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